

1. Section 404 of the Clean Water Act. The U.S. Army Corps of Engineers, through the Regulatory Program, administers and enforces Section 404 of the Clean Water Act (CWA). Under CWA Section 404, a permit is required for the discharge of dredged or fill material into waters of the United States.
2. Section 9 of the Rivers and Harbors Act of 1899. Prohibits the construction of any dam or dike across any navigable water of the United States in the absence of Congressional consent and approval of the plans by the Chief of Engineers and the Secretary of the Army. Where the navigable portions of the water body lie wholly within the limits of a single state, the structure may be built under authority of the legislature of that state, if the location and plans or any modification thereof are approved by the Chief of Engineers and by the Secretary of the Army. Section 9 also pertains to bridges and causeways but the authority of the Secretary of the Army and Chief of Engineers with respect to bridges and causeways was transferred to the Secretary of Transportation (U.S. Coast Guard) under the Department of Transportation Act of October 15, 1966.
3. Section 10 of the Rivers and Harbors Act of 1899. The U.S. Army Corps of Engineers, through the Regulatory Program, administers and enforces Section 10 of the Rivers and Harbors Act of 1899 (RHA). Under RHA Section 10, a permit is required for work or structures in, over or under navigable waters of the United States.
4. Section 14 of the Rivers and Harbors Act of 1899 (known as Section 408 from 33 USC 408). Section 408 provides that the Secretary of the Army may, on recommendation of the Chief of Engineers, grant permission for the alteration or permanent occupation of a public work so long as that alteration or occupation is not injurious to the public interest and will not impair the usefulness of the work. Permission for major alterations which include changes the authorized purpose, scope, or functioning of a project, must be approved at Headquarters (HQ) USACE. Permission for minor, low impact modifications has been further delegated to the District Engineer. The primary focus of the USACE's Section 408 review will be to ensure that there are no adverse impacts to the flood risk reduction system.